

Posner Law PLLC

50 Main Street, Suite 1000, White Plains, New York, 10606

Phone: (914) 517-3532 || Email: gabe@posner.law

July 12, 2022

VIA ECF FILING

MEMO ENDORSED

Hon. Edgardo Ramos, USDJ
Thurgood Marshall U.S. Courthouse
40 Foley Square
Courtroom 619
New York, New York 10007

Re: Hockenstein v. Cigna Health and Life Insurance Company ("Cigna")
Index 1:22-cv-04046-ER
Request to Adjourn Pre-Motion Letter and Conference

Your Honor:

This office represents Plaintiff in the above matter. I write in response to Defendant's letter of July 5, 2022 [Dkt. 13], requesting a pre-motion conference in advance of a motion to dismiss the Complaint in this action.

Plaintiff intends to file a First Amended Complaint as of right pursuant to FRCP 15(a)(1)(B). The Complaint has not been amended previously, and the time period for amending as of right (21 days after Defendant's responsive filing) has not yet elapsed. Accordingly, Plaintiff may file an FAC as of right.

In light of this, the Parties respectfully propose that the pre-motion conference scheduled by the Court for July 21 [See, Docket 14] be taken off the calendar. The current Complaint, and Defendant's pre-motion letter in response thereto, will soon be superseded by the FAC.

Plaintiff proposes to file an FAC on or before **August 12, 2022**, and the parties agree that Defendant's response to the FAC will be due 30 days after it is filed.

I have conferred with Defendant's counsel who, while preserving all rights and defenses, consent to the above.

Respectfully,
s/ *Gabriel Posner, Esq.*

Copy:

Service List via ECF

The pre-motion conference scheduled for July 21, 2022 is adjourned. The plaintiff is granted leave to file an amended complaint no later than August 12, 2022, and the defendant is granted leave to respond 30 days after the amended complaint is filed. It is SO ORDERED.



Edgardo Ramos, U.S.D.J
Dated: July 13, 2022
New York, New York